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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): YOR9-2000-0606US1 (8728-422)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on August 22, 2006

Signature: /Melithza Rodriguez/

Typed or printed name: Melithza Rodriguez

Application Number	Filed
09/727,079	November 20, 2000

First Named Inventor: Thomas D. Erickson

Art Unit	Examiner
2151	Dinh, Khanh Q.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 48,909
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

/Nathaniel T. Wallace/
Signature

Nathaniel T. Wallace
Typed or printed name

516-692-8888
Telephone number

August 22, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT: Erickson et al. DOCKET: YOR920000606US1 (8728-422)

SERIAL NO.: 09/727,079 GROUP ART UNIT: 2151

FILED: November 30, 2000 EXAMINER: Dinh, Khanh Q.

FOR: **METHODS FOR RENAMING A MEMORY REFERENCE TO STACK LOCATIONS IN A COMPUTER PROCESSING SYSTEM**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

AND REINSTATEMENT OF APPEAL

Sirs:

In response to the Advisory Action dated July 27, 2006, Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal and a Pre-Appeal Brief Request For Review Form (PTO/SB/33).

Applicant requests Reinstatement of the Appeal and that the previously paid fees be applied to the present appeal.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: 8/22/06

Melitiza Rodriguez

REMARKS

Please consider the following reasons for this Pre-Appeal Brief Request For Review.

Claims 1-14 and 16-23 are pending and stand rejected in the above-referenced application. Reconsideration of the rejection is respectfully requested in view of the remarks.

Claims 1, 8, and 19 are the pending independent claims. Only objections and rejections pertinent to Claims 1, 8, and 19 are addressed here.

Claims 1-7 and 16-23 have been rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al. (U.S. Patent No. 6,564,261). The Examiner stated essentially that Gudjonsson teaches all the limitations of claims 1-14 and 16-23.

Claims 1 and 19 claim, *inter alia*, "providing the at least one consumer with interactive business facilities via the first abstract graphical proxy for the environment."

Gudjonsson teaches methods for establishing a communication session between the users, wherein the communication session may be a text chat session, a voice chat session, or web conference (see col. 3, lines 13-18). Gudjonsson does not teach "providing the at least one consumer with interactive business facilities via the first abstract graphical proxy for the environment," as claimed in Claims 1 and 19. The communication sessions of Gudjonsson do not include abstract graphical proxies for an environment. Indeed Gudjonsson merely teaches methods for establishing a communication session on a backend of a network, for example, defining user IDs, setting security protocols and the like (see col. 16, lines 58-55). Gudjonsson's backend processes do not teach an abstract graphical proxy for an environment, much less provide a "consumer with interactive business facilities via the abstract graphical proxy for the

environment" as claimed in Claims 1 and 19. Further, Fig. 1 Gudjonsson is provided for the understanding of the invention – however, Fig. 1 is in no way indicative of "interactive business facilities via the first abstract graphical proxy for the environment" provided to a consumer. Thus, Gudjonsson fails to teach all the limitations of Claims 1 and 19.

Therefore, there are clear errors in rejections based on teachings of Gudjonsson.

Claims 2-7 depend from Claim 1. Claims 20-23 depend from Claim 19. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 19. The Reconsideration of the rejection is respectfully requested.

Claims 8-14 and 16-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Brett (U.S. Patent Pub. US 2005/0144115). The Examiner stated essentially that the combined teachings of Gudjonsson and Brett teach or suggest all the limitations of Claims 8-14 and 16-18.

Claim 8 claims, *inter alia*, that an "abstract graphical display of the marketplace is an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest."

Gudjonsson teaches a communication session between users in Figures 1-6, wherein the session is a text chat session, a voice chat session, or web conference (see col. 3, lines 13-18). Gudjonsson teaches that a list of users is displayed (see Figure 8 and col. 11, line 43 to col. 12, line 18). Gudjonsson does not teach or suggest an "abstract graphical display of the marketplace is an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user

interest," as claimed in Claim 8. The communication sessions of Gudjonsson may be text, voice, or web conferences. Text, voice, or web conference sessions are not analogous to an abstract graphical display of a marketplace, essentially as claimed in Claim 8, much less "an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest." The communication sessions of Gudjonsson are actual, literal sessions, e.g., users typing text messages or speaking directly to one another. The communication sessions of Gudjonsson do not provide an "an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest," as claimed in Claim 8. Therefore, Gudjonsson fails to teach or suggest all the limitations of Claim 8.

Brett teaches an automated ticket auctioning system (see Abstract). Brett does not teach or suggest an "abstract graphical display of the marketplace is an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest," as claimed in Claim 8. Brett teaches a map of a venue or stadium, which is a literal display of seating, and a separate activity bar indicating a level of bidding activity (see Figure 15). Brett's map of the venue is not an abstract display – indeed an abstract display of seating would not be useful to a potential customer wanting to select an actual seat – Brett's maps show actual seating arrangements. The seating arrangements merely show the location of a corresponding seat number in a bidding activity bar. Neither the seating arrangements nor the bidding activity bar of Brett are concentric circles including an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest, essentially as claimed

in Claim 8. Nothing in Brett teaches or suggests "an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest" as claimed in Claim 8. Therefore, Brett fails to cure the deficiencies of Gudjonsson.

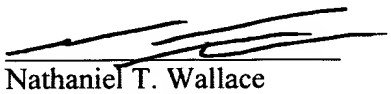
The combined teachings of Gudjonsson and Brett fail to teach or suggest an "abstract graphical display of the marketplace is an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest," as claimed in Claim 8.

Therefore, there are clear errors in rejections based on teachings of Gudjonsson and Brett.

Claims 9-14 and 16-18 depend from Claim 8. The dependent claims are believed to be allowable for at least the reasons given for Claim 8. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 1-14 and 16-23 is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

By: 

Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Applicant(s)

Mailing Address:
F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889